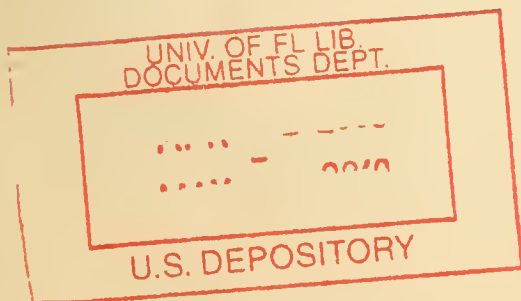



# Virginia Apprenticeship Act

Approved April 1, 1938



FEDERAL COMMITTEE ON APPRENTICESHIP  
DEPARTMENT OF LABOR  
DIVISION OF LABOR STANDARDS



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## INTRODUCTION

The Federal Committee on Apprenticeship has received numerous requests for information and advice on apprenticeship legislation, and particularly for copies of the recently adopted Virginia Apprenticeship Law. It was decided, therefore, that the most effective method of assisting the State agencies interested in such legislation would be to have the Virginia measure made available for study. Since the law contains all the essential standards of apprenticeship which, in conjunction with national associations of employers and of labor, the Federal Committee recommends, it is believed that its publication will be of practical use to the State agencies mentioned.

It will be noted that the Virginia law contains no provision for an appropriation. This matter, of course, will have to be considered by the various States in the light of their individual circumstances.

WILLIAM F. PATTERSON, *Executive Secretary,*  
*Federal Committee on Apprenticeship.*



[The following act was adopted by the General Assembly of the State of Virginia on March 12, 1938, and was signed by Governor James H. Price on April 1, 1938.]

## VOLUNTARY APPRENTICESHIP ACT

**An Act to provide for a system of voluntary apprenticeship and the regulation and supervision of apprenticeship agreements; to create an apprenticeship council and the office of secretary of the said council; to define the powers and duties of the said council; and to repeal all acts and parts of acts in conflict with this act.**

*Be it enacted by the General Assembly of Virginia as follows:*

SECTION 1. The Governor shall appoint an apprenticeship council, composed of three representatives each from employer and employee organizations respectively. The Commissioner of Labor and the State supervisor of trade and industrial education shall be members, ex officio, of the council. At the beginning of each year the Governor shall designate one member to serve as chairman. The terms of office of the members of the apprenticeship council first appointed by the Governor shall expire as designated by the Governor at the time of making the appointment; one representative each of employers, and employees, being appointed for one year, one representative each of employers, and employees, being appointed for two years, and one representative each of employers and employees for three years. Thereafter, each member shall be appointed for a term of three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of said term.

The apprenticeship council shall meet at the call of the chairman of the council and shall formulate policies for the effective administration of this act.

The apprenticeship council shall establish standards for apprentice agreements which shall not be lower than those prescribed by this act, and shall perform such other functions as may be necessary to carry out the intent and purposes of this act. Not less than once a year the apprenticeship council shall make a report of its activities and findings to the Legislature and to the public.

SEC. 2. The Commissioner of Labor, with the advice and guidance of the council, shall be responsible for administering the provisions of this act.

SEC. 3. The council, in cooperation with the local and State joint apprenticeship committees, is authorized to determine standards for apprentice agreements, which standard shall not be lower than those prescribed by this act; to appoint the secretary of the apprenticeship council to act as secretary of each State joint apprenticeship committee; to approve, if in their opinion approval is for the best interest of



the apprentice, any apprentice agreement which meets the standards established under this act; to terminate or cancel any apprentice agreement in accordance with the provisions of such agreement; to keep a record of apprentice agreements and their disposition; to issue certificates of journeymanship upon the completion of the apprenticeship; and to perform such other duties as are necessary to carry out the intent of this act; provided, that the administration and supervision of related and supplemental instruction for apprentices, coordination of instruction with job experiences, and the selection and training of teachers and coordinators for such instruction shall be the responsibility of State and local boards responsible for vocational education.

SEC. 4. A local joint apprenticeship committee shall be appointed, in any trade or group of trades in a city or trade area, by the apprenticeship council, whenever the apprentice training needs of such trade or group of trades justifies such establishment.

When two or more local joint apprenticeship committees have been established in the State for a trade or group of trades, or at the request of any trade or group of trades, the apprenticeship council may appoint a State apprenticeship committee for such trade or group of trades. Such local and State joint apprenticeship committees shall be composed of an equal number of employer and employee representatives chosen from names submitted by the respective employer and employee organizations in such trade or group of trades. In a trade or group of trades in which there is no bona fide employer or employee organization, the committee shall be appointed from persons known to represent the interests of employers and of employees respectively.

The function of a local joint apprenticeship committee shall be: To cooperate with school authorities in regard to the education of apprentices; in accordance with standards established by the apprenticeship council to establish local standards of apprenticeship regarding schedule of operations, application of wage rates, working conditions for apprentices, the number of apprentices which shall be employed locally in the trade, and to adjust apprenticeship disputes.

The functions of a State trade apprenticeship committee shall be to assist in the establishment of Statewide standards of apprenticeship and in the development of local standards and local committees.

SEC. 5. The term "apprentice" shall mean a person at least sixteen years of age who is covered by a written agreement with an employer and approved by the State apprenticeship council, which apprentice agreement provides for not less than four thousand hours of reasonably continuous employment for such person, for his participation in an approved schedule of work experience through employment and for at least one hundred and forty-four hours per year of related supplemental instruction.

SEC. 6. Every apprentice agreement entered into under this act shall contain:

- (1) The names of the contracting parties.
- (2) The date of birth of the apprentice.
- (3) A statement of the trade, craft, or business which the apprentice is to be taught, and the time at which the apprenticeship will begin and end.
- (4) A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related

and supplemental instruction, which instruction shall be not less than one hundred and forty-four hours per year.

(5) A statement setting forth a schedule of the processes in the trade or industry division in which the apprentice is to be taught and the approximate time to be spent at each process.

(6) A statement of the graduated scale of wages to be paid the apprentice and whether the required school time shall be compensated.

(7) A statement providing for a period of probation of not less than five hundred hours of employment and instruction extending over not less than four months, during which time the apprentice agreement shall be terminated by the council at the request in writing of either party, and providing that after such probationary period the apprentice agreement may be terminated by the council by mutual agreement of all parties thereto, or canceled by the council for good and sufficient reason.

(8) A provision that all controversies or differences concerning the apprentice agreement which cannot be adjusted locally in accordance with section four shall be submitted to the council for determination as provided for in section nine.

(9) A provision that an employer who is unable to fulfill his obligation under the apprentice agreement may with the approval of the council transfer such contract to any other employer, provided, that the apprentice consents and that such other employer agrees to assume the obligations of said apprentice agreement.

(10) Such additional terms and conditions as may be prescribed or approved by the council not inconsistent with the provisions of this act.

SEC. 7. No apprentice agreement under this act shall be effective until approved by the council. Every apprentice agreement shall be signed by the employer, or by an association of employers or an organization of employees as provided in section eight, and by the apprentice, and if the apprentice is a minor, by the minor's father; *Provided*, That if the father be dead or legally incapable of giving consent or has abandoned his family then by the minor's mother; if both father and mother be dead or legally incapable of giving consent, then by the guardian of the minor. Where a minor enters into an apprentice agreement under this act for a period of training extending into his majority, the apprentice agreement shall likewise be binding for such a period as may be covered during the apprentice's majority.

SEC. 8. For the purpose of providing greater diversity of training or continuity of employment, any apprentice agreement made under this act may in the discretion of the council be signed by an association of employers or an organization of employees instead of by an individual employer. In such a case, the apprentice agreement shall expressly provide that the association of employers or organization of employees does not assume the obligation of an employer but agrees to use its best endeavors to procure employment and training for such apprentice with one or more employers who will accept full responsibility, as herein provided, for all the terms and conditions of employment and training set forth in said agreement between the apprentice and employer association or employee organization during the period of each such employment. The apprentice agreement in such a case shall also expressly provide for the transfer of the apprentice, subject





to the approval of the council, to such employer or employers who shall sign a written agreement with the apprentice, and if the apprentice is a minor with his parent or guardian, as specified in section seven, contracting to employ said apprentice for the whole or a definite part of the total period of apprenticeship under the terms and conditions of employment and training set forth in the said agreement entered into between the apprentice and employer association or employee organization.

SEC. 9. Upon the complaint of any interested person or upon its own initiative, the secretary of the apprenticeship council may investigate to determine if there has been a violation of the terms of an apprentice agreement, made under this act, and he may hold hearings, inquiries, and other proceedings necessary to such investigations and determination. The parties to such agreement shall be given a fair and impartial hearing, after reasonable notice thereof in writing.

The determination of the council shall be made known in writing to parties interested and shall be filed with the apprenticeship council. If no appeal therefrom is filed with the chairman of the council within ten days after the date thereof, as herein provided, such determination shall become the order of the council. Any person aggrieved by any determination or action of the council may appeal to the courts. The decision of the council shall be conclusive if such appeal therefrom shall not be filed within thirty days after the date of such order or decision.

No person shall institute any action for the enforcement of any apprentice agreement, or damages for the breach of any apprentice agreement, made under this act, unless he shall first have exhausted all administrative remedies provided by this section.

SEC. 10. Nothing in this act or in any apprentice agreement approved under this act shall operate to invalidate any apprenticeship provision in any collective agreement between employers and employees, setting up higher apprenticeship standards. *Provided, however,* That none of the terms or provisions of this act shall apply to any person, firm, corporation, or crafts unless and until such person, firm, corporation, or crafts voluntarily elects that the terms and provisions of this act shall apply.

SEC. 11. If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application of such provision to other person and circumstances, shall not be affected thereby.

2. All acts or parts of acts in conflict with this act are hereby repealed.